

context of the annual defense authorization bill. That is where we have confronted and decided these issues historically.

And with that, I would reiterate my objection to the Senator from New York's request.

The PRESIDING OFFICER. Objection is heard.

Mrs. GILLIBRAND. Mr. President, two issues: First, the op-ed by Jeh Johnson was not in reference to my legislation. In fact, he conflated my legislation with recommendations from the IRC. He mentioned lawyers in Virginia having to make the decisions. That is not what my bill says. It has never said that, and it is not how it is organized. In fact, my bill is organized by services to adjudicate these cases, as they are doing today.

Right now, prosecutors prosecute these cases, and the decision making of whether to proceed to trial would be given to them in the first instance. If they decline to prosecute, it goes right back to the commander. So, for example, if there wasn't enough evidence to prosecute the case, it would go back to the commander, who could then use a special court-martial or he could use nonjudicial punishment for related or lesser offenses. That is typically what the commanders do in these cases.

So very little changes. But what does change is the perception of the victim who is asking for unbiased review by someone who is highly trained to do that review. It also gives assurance to defendants' rights that the person making the decision is unbiased and is highly and professionally trained.

Those changes change everything. It changes the perception that our military justice is blind, fair, and professional. And that is not the impression of servicemembers today. Both women and men and survivors of sexual assault do not believe that justice is possible for them, and Black and Brown servicemembers do not believe the justice system is fair to them either.

This solution makes sense, and I do not think that we should defer again our responsibility to one op-ed by one former SecDef. That is not our job, and that is not how we should be responding.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, the Senate, at 1:15 p.m., recessed until 1:45 p.m. and reassembled when called to order by the Presiding Officer (Mr. KING).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Tien nomination?

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Michigan (Mr. PETERS) are necessarily absent.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. CRAMER), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. THUNE.)

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 241 Ex.]

#### YEAS—60

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Blunt	Johnson	Rounds
Brown	Kaine	Sanders
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Scott (SC)
Carper	Leahy	Shaheen
Casey	Lujan	Sinema
Collins	Manchin	Smith
Coons	Markey	Stabenow
Cortez Masto	Menendez	Tester
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warner
Feinstein	Murphy	Warnock
Fischer	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Graham	Padilla	Wyden
Hassan	Portman	Young

#### NAYS—34

Barrasso	Hagerty	Risch
Blackburn	Hawley	Rubio
Boozman	Hoeven	Sasse
Braun	Hyde-Smith	Scott (FL)
Cassidy	Inhofe	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Tillis
Crapo	Lee	Toomey
Cruz	Lummis	Tuberville
Daines	Marshall	Wicker
Ernst	McConnell	
Grassley	Paul	

#### NOT VOTING—6

Booker	Cramer	Peters
Burr	Moran	Thune

The nomination was confirmed.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Maryland.

#### MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HELSINKI COMMISSION

Mr. CARDIN. Mr. President, I take this time as the Chair of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, as we celebrate our 45th anniversary.

The Helsinki Commission is the vehicle for U.S. participation in the Organi-

zation for Security and Co-operation in Europe, representing 57 states that have come together under the OSCE, all the countries of Europe, all the countries of the former Soviet Union, including those located in Central Asia, the United States, and Canada.

Mr. President, this is a unique body in that it represents both the executive and legislative branches of government. The executive branch has representatives on the Helsinki Commission, and both the House and Senate have Senators and Representatives that serve on the Helsinki Commission.

I am very pleased to have as my co-leader Senator WICKER from Mississippi as the Republican leader in the Senate on the Helsinki Commission.

The Helsinki Commission has been responsible for elevating our moral dimension to U.S. foreign policy. Its principles point out very clearly that you cannot have security without dealing with good governance and human rights; you cannot have economic progress unless you have governance that respects the rights of all its citizens.

That is why I was so pleased when President Biden announced that his foreign policy would be value-based, that as we participate in our foreign policy challenges, it will always be wrapped in our values, and his recent trip to Europe underscored that important lesson. And then he issued, not 2 weeks ago, the statement that corruption is a core national security threat and that we have a responsibility to fight corruption in order to protect our national security.

I am so pleased of the accomplishments of the Helsinki Commission, particularly from the human rights and human dimension. I go back to my early days in the House of Representatives, when the Soviet Union still existed and the challenges of Soviet Jews trying to emigrate from the Soviet Union. It was the Helsinki Commission that was one of the leading voices to help deal with Soviet Jews.

I think about trafficking in persons, modern-day slavery, and the efforts that the United States did in leading that effort, including passing landmark legislation in trafficking in persons and establishing a rating system where every country in the world is rated on how well they are dealing with fighting trafficking. Now this has become the model, and so many countries have acted. It was the U.S. Helsinki Commission that led the effort for what Congress was able to pass and the international effort in order to fight trafficking in persons.

I think about the perpetrators of war crimes and crimes against humanity and genocide, and recognize that it was the Helsinki Commission that pushed to hold those who were responsible for these atrocities accountable, particularly as it related to the Balkan conflict.

Then I think about the landmark legislation that was passed in the Congress that deals with sanctions against